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Serial no. 09/753,267
Filed 12/29/2000
Attorney docket no. BEA9-2000-0010-US1

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REMARKS

Note regarding change of correspondence address

Applicant notes that the correspondence address for this patent application has been changed, and requests that further actions in this matter be sent to the new address.

Note regarding claims

Applicant has amended nearly all of the claims. In particular, after amendment three independent claims remain: claims 1, 9, and 15. Claims 1, 9, and 15 have substantially identical limitations, where claim 1 is a method, claim 9 is a system, and claim 15 is an article of manufacture. Claims 2-6 as amended now all ultimately depend from independent claim 1, and claims 7-8 have been cancelled. Claims 10-14 as amended now all ultimately depend from independent claim 9. Claims 16-20 as amended now all ultimately depend from independent claim 15.

The Examiner had in the office action rejected claims 1 and 3-5 as being anticipated by Hanson (6,546,425), and had rejected all the other claims as being obvious over Hanson in view of Antoun (6,216,151). Because Applicant has amended independent claims 9 and 15 so that they resemble independent claim 1, Applicant only discusses the patentability of claim 1 over Hanson. Claims 9 and 15 are thus patentable over Hanson, and over Hanson in view of Antoun, for substantially the same reasons that claim 1 is patentable over Hanson alone. Furthermore, the dependent claims, claims 2-6, 10-14, and 16-20, are patentable at least because they depend from patentable independent claims.

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Patentability of claim 1

Applicant asserts that claim 1 as amended is patentable over Hanson. Claim 1 is limited to a connection between a first *endpoint* node and a second *endpoint* node, where “the first endpoint node [is] one endpoint of the connection and the second endpoint node [is] another endpoint of the connection.” That is, the nodes to which claim 1 pertains are the *endpoints* of the connection. Furthermore, “the second endpoint node is a node with which the first endpoint node ultimately desires to be connected.” For example, the first endpoint node may be a mobile node, like a laptop computer, and the second endpoint node may be a corporate server with which the user of the mobile node desires to be connected.

Claim 1 is also limited to the second endpoint node being placed in an inactive state, “such that the second endpoint node does not attempt to send any data to the first endpoint node while in the inactive state.” That is, once the connection has been put in a persist state and the second endpoint node has been placed in an inactive state, the second endpoint node does not try to send any data to the first endpoint node. This enables the first endpoint node to be “reboot[ed],” as to which claim 1 is limited, “such that the connection between the first endpoint node and the second endpoint node is maintained due to the connection being in the persist state and the second endpoint node being in the inactive state.”

Applicant asserts that Hanson does not anticipate nor render obvious these limitations of claim 1. As depicted in FIG. 2 of Hanson, there is a mobile end system (MES) 104, which can be likened to the first endpoint node of the claimed invention, and a fixed-end system (FES) 110, which can be likened to the second endpoint node of the claimed invention. The MES 104 desires to be connected to the FES 110, to utilize, for instance, the network applications of the FES 110. Importantly, the mobile management system (MMS) 102 *cannot* be the second endpoint node. The reasons are two-fold. First, the MMS 102 is actually *not* an endpoint to the connection between the MES 104, through the MMS 102, and to the FES 110. Rather, the MMS 102 is an intermediate, intermediary, or interim node, which facilitates the MES 104’s connection with the

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FES 110. As stated in Hanson, “the Mobility Management Server 102 maintains the connection *to the host system 100 or other connection end-point.*” (Col. 9, ll. 56-67) Second, the MES 104 does not have any *desire* to connect to the MMS 102 – indeed, the MES 104 may not even be *aware of* the MMS 102 as facilitating connection to the FES 110. Rather, the MES 104 desires to connect to the FES 110, to use the network applications, and so on, of the FES 110.

As such, the claimed invention’s limitation that “second endpoint node does not attempt to send any data to the first endpoint node while in the inactive state” means that, with respect to Hanson, *the FES 110* has to not attempt to send any data to the first endpoint node. However, as indicated in the part of Hanson cited by the Examiner, the point of the MMS 102 is to queue data when the MES 104 becomes temporarily unreachable – such as data sent by the FES 110. In particular,

[i]f a Mobile End System becomes unreachable, suspends, or changes network address . . . , the Mobility Management Servers maintains the connection *to the associated peer* [i.e., such as with a Fixed End System], *by acknowledging receipt of data and queuing requests.* This proxying by the Mobility Management Server allows the application on the Mobile End System to maintain a continuous connection [i.e., such as with a Fixed End System] even though it may temporarily lose its physical connection to a specific network medium.

(Col. 3, ll. 24-33) Furthermore,

Mobility Management Server 102 maintains the state of each Mobile End System 104 and handles the complex session management required to maintain persistent connections to associated peer 108 *such as host computer* [i.e., FES] 110 *attached to the other end of the connection end point.* If a Mobile End System 104 becomes unreachable, suspends, or changes network address . . . , the Mobility Management Server 102 *maintains the connection to the host system 110 or other connection end-point, by acknowledging receipt of data and queuing requests.* This proxy function means that the peer application never detects that the physical connection to the Mobile End System 104 has been lost.

(Col. 9, ll. 55-67) Thus, what Hanson discloses is that the second endpoint node – the FES 110 – can *continue* to send data to the first endpoint node, the MES 104, even when the first endpoint node is unreachable, suspends, changes network address, and so on. This is because the MMS

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102 *maintains* the connection between the second endpoint node (FES 110) and the first endpoint node (MES 104), by acknowledging receipt of data *from the second endpoint node* and queuing requests *from the second endpoint node*. Unlike the claimed invention, Hanson's second endpoint node *attempts* to send data to the first endpoint node, and indeed is never placed in an inactive state. By comparison, the claimed invention puts the second endpoint node in an inactive state, and the second endpoint node does *not* attempt to send data to the first endpoint node. Therefore, Hanson cannot and does not anticipate the claimed invention.

Furthermore, Hanson cannot be modified, in view of Antoun or any other reference, to teach the claimed invention. The intended operation and functionality of Hanson is the inclusion of the MMS 102 to maintain connections between first endpoint nodes and second endpoint nodes, even when the first endpoint nodes become unreachable, by acting as a proxy for the first endpoint nodes in their connections with second endpoint nodes. However, if the second endpoint nodes are placed in inactive states and do not send data to the first endpoint nodes while the first endpoint nodes are unreachable, then there is no need for the MMS 102 – destroying the intended operation and functionality of Hanson. Therefore, Hanson cannot be modified to render the claimed invention *prima facie* obvious.

Applicant further notes two precepts of modifying references, as articulated in the MPEP. First, “the proposed modification cannot render the prior art unsatisfactory for its intended purpose.” (MPEP, sec. 2143.02) However, if Hanson were modified to read on the claimed invention as amended, its intended purpose would prove unsatisfactory – since the purpose of Hanson is to include an intermediary server, the MMS 102, so that the FES 110 can *continue* to send data to the MES 104 even when the MES 104 is unreachable. Second, “the proposed modification cannot change the principle of operation of a reference.” (MPEP, sec. 2143.02) However, if Hanson were modified to read on the claimed invention as amended, its principle of operation would be changed. The way Hanson works is to include an intermediary server, the MMS 102, to buffer data sent from the FES 110 so that the FES 110 thinks that the MES 104 is

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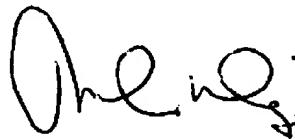
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still reachable when in fact the MES 104 may be unreachable – but if the FES 110 does not have to send any data, there is no need whatsoever for the MMS 102, changing the principle of operation of Hanson. Hanson thus cannot be modified to render the claimed invention obvious.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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